

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 4:10CR3053
)
 Plaintiff,)
)
 v.) **MEMORANDU**
) **AND ORDER**
 WILLIAM POLK,)
)
 Defendant.)

This matter is before me on William Polk's ("Polk") notice of appeal (filing [160](#)) and motion for leave to appeal in forma pauperis ("IFP") (filing [176](#)).

Federal Rule of Appellate Procedure 24 provides:

Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

Fed. R. App. P. 24. This is Polk's second IFP motion. (See Filings [161](#) and [176](#).) I denied his first IFP motion because his affidavit showed that he had the ability to pay for fees and costs. (See Filing [175](#).) In his second IFP motion, Polk states that his first IFP motion contained incorrect income information. (Filing [176](#).) Polk has provided the corrected income information. (*Id.*) Upon review of this information, I find that Polk may proceed on appeal without prepayment of fees or costs.

Accordingly,

IT IS ORDERED:

1. Polk's IFP motion (filing [176](#)) is granted.
2. Polk may proceed on appeal without prepayment of fees or costs.
3. The Clerk of the United States District Court for the District of Nebraska shall process Polk's appeal.

DATED this 6th day of February, 2012.

BY THE COURT:

s/Richard G. Kopf
Senior United States District Judge

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